IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA, 1928

WP(C).No. 30275 of 2006(D)

PETITIONERS:

1. K.K.SUKUMARAN, KUTTIPURATH VEEDU,
   SOUTH ARYAD, AVALOOKUNNU P.O., ALAPPUZHA-6.

2. T.K.MUKUNDHAN,
   APPORU VELI, MANNANCHERRY, ALAPPUZHA.

3. K.N.RAGHAVAN,
   KUNNUVELI, MANNANCHERRY,
   ALAPPUZHA.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR
SRI.DIPU.R

RESPONDENTS:

1. THE DISTRICT COLLECTOR, ALAPPUZHA.

2. SPECIAL TAHSILDAR,
   (REVENUE RECOVERY), AMBALAPUZHA TALUK,
   ALAPPUZHA.

3. DISTRICT LABOUR OFFICER,
   ALAPPUZHA.

4. THE SECRETARY,
   THE SOUTH INDIAN COIR MATES AND MATTINGS,
   CO OPERATIVE SOCIETY LTD. NO. 522,
   POOMKAVU, P.B.NO.2, PATHIRAPALLY P.O.,
   ALAPPUZHA.

5. THE VILLAGE OFFICER,
   KOMALAPURAM VILLAGE, ALAPPUZHA.

BY ADV. SRI.A.JAYASANKAR (R4)
SRI.MANU GOVIND
BY GOVT. PLEADER SRI. P.K.RAVIKRISHNAN (R1, R3 & R5)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits:

Ext.P1 True copy of the order and notice appended there with passed by the 3rd respondent dated 23.6.2004.

Ext.P1A True copy of the order and notice appended therewith passed by the 3rd respondent dated 23.6.2004.

Ext.P1B True copy of the order and notice appended therewith passed by the 3rd respondent dated 23.6.2004.

Ext.P2 True copy of the application dated 7.1.2005 submitted by the first petitioner before the first respondent.

Ext.P3 True copy of representation dated 22.5.2006 submitted by the petitioners before the first respondent.

Ext.P3A True copy of representation dated 3.7.2006 submitted by the petitioner before the first respondent.

//true copy//

P.S. to Judge.

J.M. JAMES, J.

W.P.(C) No. 30275 of 2006

Dated this the 2nd January, 2007.

J U D G M E N T

The writ petitioners are the retired employees of the 4th respondent, the South Indian Coir Mates and Mattlings Co-operative Society Ltd. No.522, Alappuzha. The gratuity due to the superannuated employees had not so far been paid. The writ petitioners 1 to 3 claim that an amount of Rs.50,192/=, Rs.30,000/= and Rs.83,495/= respectively, are due from the 4th respondent to them. It is further submitted that even though revenue recovery proceedings had been initiated, so far no amount has been realised from the 4th respondent Society. Hence, this writ petition is filed praying to expedite the revenue recovery proceedings initiated against the 4th respondent, Society, and the same be paid to the writ petitioners.

2. I have heard the arguments advanced by the learned Standing Counsel appearing for the 4th respondent, Sri.A.Jayasankar, as well as the learned Senior Government Pleader.

3. Counsel appearing for the 4th respondent submits that the Society is not having sufficient funds to pay in lump, the amounts due to the writ petitioners, and, therefore, prayed for six instalments to pay the amount. Counsel appearing for the writ petitioners, however, submitted that they are all senior citizens and susceptible to various ailments because of the old age. The 3rd writ petitioners had also undergone amputation of one of his legs. Therefore, the amounts are urgently required for their maintenance and subsistence, submits the counsel for the writ petitioners.

4. After hearing both sides, I allow the prayer of the 4th respondent, and direct the 4th respondent to remit the entire amount due to the writ petitioners in four monthly instalments. Remittance shall be made directly to the 3rd respondent, District Labour Officer. This shall be done with notice to respondents 2 and 5.

5. If the payments are made, as directed above, there shall be no recovery proceedings initiated against the 4th respondent. In case of any default in making the payments, as directed above,

respondents 1, 2 and 5 shall expedite the recovery proceedings, and realise the amounts from the 4th respondent through coercive steps, and no instalment prayer of the 4th respondent shall be allowed.

The writ petition is disposed of as above.

J.M. JAMES,
JUDGE

nj.